



500.34763CX4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. MASUI, et al

Serial No.: 10/023,736

Filed: December 21, 2001

For: CDMA MOBILE COMMUNICATION SYSTEM AND
COMMUNICATION METHOD

Group: 2616

Examiner: S. H. D. Nguyen

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 14, 2006

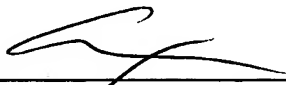
Sir:

Attached is a Terminal Disclaimer submitted in an effort to place this application in condition for allowance.

Accordingly, early allowance of claims 18-27 is respectfully requested.

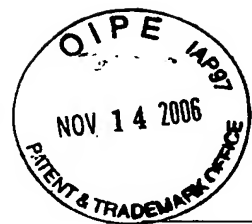
To the extent necessary, applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1417 (Case No. 500.34763CX4) and please credit any excess fees to such Deposit Account.

Respectfully submitted,



Carl I. Brundidge
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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

CIB/jdc
703/684-1120



PTO/SB/25 (09/-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TERMINAL DISCLAIMER TO OBIVATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING "REFERENCE"
APPLICATION**

Docket Number (Optional)

500.34763CX4In re Application of: **Hironari MASUI, et al**Application No.: **10/023,736**Filed: **December 21, 2001**For: **CDMA MOBILE COMMUNICATION SYSTEM AND COMMUNICATION METHOD**

The owner, **HITACHI, LTD.** (As per the Assignment recorded on Reel 8156 and Frame 0541), of the **ENTIRE** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number **10/023,737**, filed on **December 21, 2001**, as such term is defined in 35 USC 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

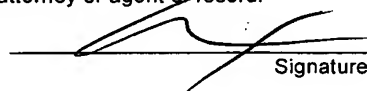
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of any patent granted on said reference application "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Reg. No. **29,621**
Signature**November 14, 2006**
Date**Carl I. Brundidge**

Typed or printed name

703) 684-1120
Telephone number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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